

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

FILED

OCT 30 2007


CLERK

UNITED STATES OF AMERICA,

CR. 07-30078

Plaintiff,

-vs-

REPORT AND RECOMMENDATION
ON DEFENDANT'S CHANGE OF PLEA

TRACY LEE GARREAU,

Defendant.

This matter came on before the Court for a change of plea hearing on Monday, October 29, 2007. Defendant, Tracy Lee Garreau, appeared in person and by her counsel, Michael B. "Mick" Strain, while Plaintiff, United States of America ("Government") appeared through David L. Zuercher, an Assistant United States Attorney.

Defendant consented in open court to the change of plea before the Court and her consent was knowingly and voluntarily made. The Government also consented to the Court taking Defendant's plea.

Defendant has reached a plea agreement with the Government wherein she intends to plead guilty to charge contained in the Indictment. Defendant is charged in the Indictment with Harboring and Concealing an Escaped Federal Prisoner in violation of 18 U.S.C. §1072. At the hearing, Defendant was advised of the nature of the charge to which she would plead guilty and the maximum penalty applicable, specifically: three (3) years custody; \$250,000 fine, or both; one (1) year supervised release; one (1) additional year imprisonment if supervised release is revoked; \$100 assessment; and restitution.

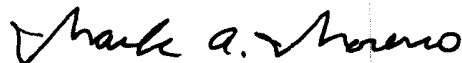
Upon questioning Defendant personally in open court, it is the finding of the Court that Defendant is fully competent and capable of entering an informed plea, that she is aware of the nature of the charged offense and the consequences of the plea, and that her plea of guilty to the offense contained in the Indictment is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. It is, therefore, the Court's recommendation that the guilty plea to charge contained in the Indictment be accepted and that Defendant be adjudged guilty of that offense.

NOTICE TO PARTIES

The parties have ten (10) days after service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. §636(b)(1), unless an extension of time for good cause is obtained. Failure to file timely objections will result in the waiver of the right to appeal questions of fact. Objections must be timely and specific in order to require de novo review by the District Court.

Dated this 29th day of October, 2007, at Pierre, South Dakota.

BY THE COURT:



**MARK A. MORENO
UNITED STATES MAGISTRATE JUDGE**

**ATTEST:
JOSEPH HAAS, CLERK**

BY:



Deputy

(SEAL)